

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Christopher Nesmith,	)	C/A No. 6:09-1867-JFA-WMC
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Michael Schwartz, Jail Admin Chief; Captain	)	
C. Wineglass; Doctor John Doe; Nurse Jane	)	
Doe, on behalf of Georgetown County and in	)	
their individual and official capacities at	)	
Georgetown Detention Center,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, Christopher Nesmith, brings this action pursuant to 42 U.S.C. § 1983. He is a pretrial detainee at the Georgetown County Detention Center and alleges various constitutional violations by the defendants. Specifically, he contends that the defendants forced him to file him to sign a medical release form and that after his head was stepped on by another inmate, the defendants did not give him adequate medical treatment.

The defendants filed a motion for summary judgment. An order was then issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff did not respond to the motion.

The court then filed a second order on November 19, 2009 allowing the plaintiff additional time to respond to the motion for summary judgment. However, he did not

respond.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on December 21, 2009. However, the plaintiff did not file any objections to the Report within the time limits prescribed.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed for failure to prosecute under Rule 41(b).

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

January 13, 2010  
Columbia, South Carolina

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).